

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Before Commissioners:

Ruth Y. Goldway, Chairman;
Mark Acton, Vice Chairman;
Tony L. Hammond; and
Nanci E. Langley

Still Pond Post Office
Still Pond, Maryland

Docket No. A2011-33

ORDER DISMISSING APPEAL FOR LACK OF JURISDICTION

(Issued August 17, 2011)

On July 26, 2011, Craig O'Donnell (Petitioner) filed a petition seeking review of the Postal Service's decision to close the suspended Still Pond, Maryland post office.¹ In Order No. 776, the Commission established Docket No. A2011-33 to consider the appeal and directed the Postal Service to file its Administrative Record or responsive pleading to the appeal.² On August 9, 2011, the Postal Service filed a motion to dismiss this proceeding.³ The Motion is granted.

¹ Petition for Review Received from Craig O'Donnell, July 26, 2011 (Petition).

² Notice and Order Accepting Appeal and Establishing Procedural Schedule, July 28, 2011 (Order No. 776).

³ Motion of United States Postal Service to Dismiss Proceedings, August 9, 2011 (Motion). The Motion includes Exhibit 1, the date stamped cover of the Proposal to Close the Suspended Still Pond, MD Post Office and Continue to Provide Service by Rural Route Service.

Postal Service's Motion. The Postal Service moves to dismiss the appeal arguing that the Petition is premature. The Postal Service contends that a determination to close a post office may be appealed only after (1) the public has been provided an opportunity to comment on a proposal to close a post office; (2) those comments have been received and taken into account by the Postal Service; (3) a final determination has been made; and (4) the written final determination has been made available to persons served by the post office. Motion at 2.

The Postal Service indicates that it has only posted the Proposal to Close the Suspended Still Pond post office. *Id.* The Postal Service concludes that since it has not yet issued a written final determination to close the Still Pond post office, the Petition is premature and the appeal should be dismissed. *Id.* at 3.

Commission analysis. Under 39 U.S.C. 404(d)(5), the Commission has the authority to review Postal Service determinations to close post offices. It appears that while the Postal Service has initiated the procedures for closing this post office, all required administrative actions have not yet been completed. The Postal Service posted its proposal to close the Still Pond post office at the Betterton, Maryland post office on June 30, 2011, and it is scheduled to be removed on August 31, 2011. As noted by the Postal Service, a written final determination to close the suspended Still Pond post office has not been issued. Because the Postal Service has not yet made a written final determination to close the Still Pond post office available to the public, the Commission has no jurisdiction over the matter. Therefore, without prejudice, the petition for review is dismissed.

Should the Postal Service ultimately determine to close the suspended Still Pond post office, residents will be free to appeal that decision.

It is ordered:

1. The Motion of United States Postal Service to Dismiss Proceedings, filed August 9, 2011, is granted.
2. Docket No. A2011-33 is terminated for lack of jurisdiction.

By the Commission.

Shoshana M. Grove
Secretary